

David G. White
Member of the Firm
dwhite@pashmanstein.com
Direct: 201.270.4920



October 20, 2016

VIA E-FILING

Honorable Mark Falk, U.S.M.J
United States District Court for the District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

**Re: *Wolfe v. Gooding & Company*
Civil Action No. 14-cv-4728 (WJM) (MF)
*Our File No. 9777-001***

Dear Judge Falk:

We represent Plaintiff in the referenced matter. Attached in connection with tomorrow's telephone conference is a copy of the letter we sent to defense counsel on the issues he has raised for the conference. He and I have conferred, and I believe we have agreement as follows:

- Title: as shown in the attached, I have asked Montana counsel to obtain further documents. When received, I'll forward them to defense counsel.
- Insurance dec sheet: I have asked Plaintiff's insurance agent for a copy of the dec sheet in effect in August 2013, the publication date at issue. When received, I'll forward it to defense counsel.
- Bill of sale: We have produced the only version available, and will so stipulate.

I have asked defense counsel to forego the telephone conference in view of the foregoing. In case we go forward, I wanted to have this to you in advance.

Respectfully yours,

DAVID G. WHITE
DGW/ch

cc: Jorgelina Foglietta, Esq.
Paul Clark, Esq.
Herb Wolfe

Court Plaza South
21 Main Street, Suite 200
Hackensack, NJ 07601

Phone: 201.488.8200
Fax: 201.488.5556
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October 14, 2016

VIA EMAIL & REGULAR MAIL

Paul F. Clark, Esq.
Wade Clark Mulcahy
955 S. Springfield Avenue, Suite 100
Springfield, New Jersey 07081

Re: *Wolfe v. Gooding*
Civil Action No. 14-cv-4728
Our File No. 9777-001

Dear Paul:

This is in response to your October 11 letter in the referenced matter. As discussed, Mr. Wolfe has been debilitated with a thyroid condition for which surgery is anticipated on October 20, 2016. The illness has interfered with obtaining documents. On September 27th, I produced a Title, Bill of Sale and insurance form, described below. You have asked a number of questions about them and I provide the following supplement:

- a) Title and registration documents: Race cars, such as the Alfa in this suit, are not typically registered under certificates of title. Transfers to third parties are made by bills of sale. Mr. Wolfe purchased the car from Scott Rosen on June 19, 2006 (see paragraph b, below). At that time, it had no title. Later, Mr. Wolfe titled the car in Maine where vehicles without title certificates may lawfully obtain them. On May 19, 2016, Mr. Wolfe transferred the car to a limited liability company named "Zenith of Montana LLC" in which he is the sole member. Ownership in Montana permits favorable tax treatment of transfers. The Maine title was endorsed and delivered to effectuate the transfer, and Zenith obtained a Montana title, attached as Ex. A. The endorsed, Maine title was retained by the Montana Motor Vehicle Division when the Montana title issued. The Montana title was produced to defendant on September 27, 2016 as Bates # W0654. I am informed that there are no other registration or transfer documents since Mr. Wolfe's ownership, directly or indirectly through the LLC. I have contacted Montana counsel who tells me that getting the back record will take approximately four weeks. (see email from Duncan Mc Mullin, Ex. B).

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October 14, 2016

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- b) Bill of sale: Attached as Ex. C is the post-dated bill of sale into Mr. Wolfe from previous owner, Scott Rosen. We produced it as Bates # W0653. It is unclear if there was a Bill of Sale contemporaneous with the Rosen to Wolfe transfer, and if there was, it is missing. In any case, the attached Bill of Sale contains all the relevant information, listing the transferor, the transferee, the identity of the car, its serial number, date of transfer and price. We are aware of no other bills of sale for the car.
- c) Insurance forms. Recently, I received copy of the Liability Insurance Certification and produced it as Bates # W0656. (Ex D). Because of Mr. Wolfe's illness, I took it upon myself to track down and contact his insurance broker. He has provided the corrected dec sheet, which I attach as Ex. E. It has not been Bates stamped yet, and as demanded, there are no redactions for the cars that are not part of this suit – or the watches for that matter.

As I reported, Bruce Amster does not have a resume. I am trying to reach him to obtain the information you seek; however, if I cannot by the conference date with Judge Falk, I'd ask you to consider simply asking Mr. Amster where he worked, whether he has served as an expert previously and what his billing rate is, rather than troubling the Court. To me, that doesn't seem like heavy lifting.

Very truly yours,

A handwritten signature in black ink, appearing to read "David".

DAVID G. WHITE
DGW/ch

cc. Jorgelina Folglietta, Esq. (Via Email & Regular Mail)
Herb Wolfe (Via Email)

EXHIBIT A

STATE OF MONTANA

DEPARTMENT OF JUSTICE - MOTOR VEHICLE DIVISION
CERTIFICATE OF TITLE

P.0572

Title Nbr LA3638828	Year 1988	Make Acura Integra	Model 1.8 2500	Extended Model	Style CP	NCIC Vehicle Type PC	Unladen Weight/Materials
VIN/VIN 1E30004	MT Best Nbr	Tax Code/Propulsion Type	Odometer				Vehicle Nbr 388074
Brand	Title Issue Date 05/19/2016	Vehicle Sale Date 08/10/2015	Transfer Reason ODS Title Transfer	Attribute	Owner Tracking Nbr		Fleet Nbr

Owner Name and Address
Zonitir Of Montana Llc
124 W Elm St
Missoula MT 59802-4222
Customer Number: 1652229

This vehicle/vessel is subject to the following security interest(s):

Mail To:

Zonitir Of Montana Llc
PO Box 7967
Missoula MT 59807-7967

The vehicle/vessel may be subject to other security interests.

As the Registered Owner of the above vehicle, I transfer all right, title and interest in the vehicle to the following person, as of the date below:

Transferee Name (individual or company) _____ Date of Transfer (delivery of vehicle) _____

Transferee's Street Address _____ City _____ State _____ Zip _____

I agree and state law requires that the owner state the mileage of a vehicle upon transfer of ownership. If you fail to complete this disclosure or provide a false statement, you may be subject to fines and/or imprisonment.

Indicate the odometer reading (or ☐ or ☐ if odometer now reads (no tenths) _____ miles, date read _____ and to the best of my knowledge it reflects the actual mileage unless one of the following statements is checked.

☐ NO NOT CHECK UNLESS APPLICABLE: ☐ The odometer reading reflects the amount of mileage in excess of its mechanical limits. ☐ The odometer reading is not the actual mileage. Warning - odometer discrepancy.

ALL OWNERS MUST SIGN - All listed owners are listed to the right of the first owner above.

Under penalty of law, I certify the above odometer disclosure and transfer of ownership information is correct to the best of my knowledge; that I am the owner named above and I am signing this document as owner or agent.

ALL OWNERS: ☐ Signature of First Owner or Agent of Owner (Required) _____ Printed Name - must be the same as signature (do not type)

☐ Signature of Additional Owner or Agent of Owner (if more than one) _____ Printed Name - must be the same as signature (do not type)

County of _____ Signed before me on (date) _____ Notary Stamp/Seal _____

By (clearly print name of person signing title) _____

Notary Signature _____

ACKNOWLEDGMENT OF RELEASED ENCLOSURE: I am aware of the above information and hereby certify that the information is correct.

Signature of Buyer - Only one signature is required _____ Printed Name - must be the same as signature (do not type)

Rev. 08/2015



TITLE AND REGISTRATION BUREAU
1000 BUCKSKIN DRIVE
DEER LODGE MT 59723-8375

CONTROL NO. 14229752
(This is not a title number)



KEEP IN SAFE PLACE-ANY ALTERATION-USE OF CORRECTION FLUID-ERASURE-VOIDS THIS TITLE

W0064

JULY 2015

EXHIBIT B

From: Duncan McMullin [<mailto:McMullin@bennettlawofficepc.com>]
Sent: Thursday, October 13, 2016 11:54 AM
To: David White
Cc: hwsultan@aol.com; John Bennett
Subject: RE: Herb Wolfe Alfa Romeo Competizione Zenith of Montana, LLC

David:

We spoke with Mr. Wolfe this morning and have ordered copies of the title documents we submitted. It generally takes 4ish weeks for those to be produced.

Let me know if you need anything further.

Best regards,

Duncan F. McMullin, Esq. | Bennett Law Office P.C. | 866.543.5803 | PO Box 7967 Missoula, MT 59807 |
mcmullin@bennettlawofficepc.com | www.bennettlawofficepc.com

From: David White [<mailto:dwhite@pashmanstein.com>]
Sent: Wednesday, October 12, 2016 3:15 PM
To: Duncan McMullin <McMullin@bennettlawofficepc.com>
Cc: hwsultan@aol.com
Subject: Herb Wolfe Alfa Romeo Competizione Zenith of Montana, LLC

Dear Duncan:

This will confirm our conversation. I represent Herb Wolfe in litigation over his referenced Alfa. I understand he titled it in Maine and subsequently transferred it to Zenith and titled it in Montana. Do you have a copy of the Maine title of any transfer documents.

By copy of this message, I'm asking Herb to authorize you to release this information.

David White
Of Counsel
Direct: 201.270.4920
Email • V-Card • Bio

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EXHIBIT C

SCOTT ROSEN

May 5, 2016

Please be advised that I, Scott Rosen, sold a 1948 Alfa Romeo, number 920 001 to Herbert Wolfe, 1225 River Road, Edgewater, NJ, on June 19, 2006 for \$700,000. At the time of sale, I was the legal owner of this vehicle and there were no outstanding liens.

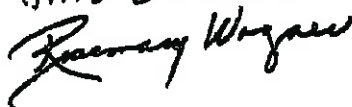
If I can be of further assistance, please do not hesitate to contact me at 914-329-1650.

Sincerely,



Scott Rosen
345 Heather Lane
Hewlett, NY 11557

STATE OF NEW YORK
COUNTY OF NASSAU
SWORN BEFORE ME
THIS 5TH DAY OF MAY 2016



ROSEMARY WAGNER
NOTARY PUBLIC, State of New York
No. 01WAS018508
Qualified in Nassau County
Commission Expires Oct. 28, 2017

W0653

EXHIBIT D

05/30/2016 MON 9:47 FAX



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
6/29/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE-HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY ASEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S); AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Bedrick-White Agency 125 West 34th Street Suite 1110 New York NY 10112-1102	INSURED Herbert Wolfe 242 S. Dean St. Englewood NJ 07631	AGENT Daniel Fitzgerald Tel. No. (212) 563-8800 Fax (212) 547-0829	POLICY(IES) AFFORDING COVERAGE NUMBER(S) 15402
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COVERAGES CERTIFICATE NUMBER: 0001437492 REVISION NUMBER:
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

TYPE OF INSURANCE	INSURANCE	POLICY NUMBER	START DATE	END DATE	LIMITS
COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input type="checkbox"/> COOLAR <input type="checkbox"/>					EACH OCCURRENCE DAMAGE TO RENTED PREMIER MED EXP PERSONAL & ADV GENERAL AGGREGATE PRODUCTS-COMMERCIAL AGG
GEN'L AGGREGATE LIMIT APPLIES PER: POLICY <input type="checkbox"/> YEAR <input type="checkbox"/> LOC <input type="checkbox"/>					
OTHER					
AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS HIREN AUTOS SCHEDULED AUTOS OWN-OWNED AUTOS		0001437492	5-02-2016	10-01-2016	UNLIMITED BODILY INJURY BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE UNLIMITED
UMBRELLA L&D EXCESS L&D COOLAR CLAIMS-MADE					EACH OCCURRENCE AGGREGATE
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY AND ALL EMPLOYERS EMPLOYERS' LIABILITY EXCLUSIONS EXCLUSIONS EXCLUSIONS					EL EACH OCCURRENCE EL EMPLOYER EL EMPLOYEE EL POLICY LIMIT
A PHYSICAL DAMAGE		0001418947	5-02-2016	10-01-2016	AGREED VALUE

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Details Schedule, may be attached if more space is required)
as respects: 1948 Alfa Romeo C-46 #520001

Coverage is extended while car is in Italy; approximate time period 5-02-2016 to 10-01-2016

CERTIFICATE HOLDER

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

ACORD 25 (2014/01)
(08/22/2014)

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W0656

EXHIBIT E



AIG Private Client Group

AIG Property Casualty Company
Name of Issuing Company

Private Collections Revised Declarations Page

Your Declarations Page shows at a glance the coverage you have and your premium. Your Declarations Page is part of your policy. Please read your policy carefully, including your Declarations Page and any attached Endorsements, for a description of your coverage.

Policy Number:
8947

Policy Period: 05/04/2016 - 05/04/2017
At 12:01 A.M. standard time at your mailing address shown below

Name of Insured and Mailing Address:
Herbert Wolfe
242 S. Dean St.
Englewood, NJ 07631

Agency Name, Address, Phone # & Code:
Bedrick-Kaltz Agency, Inc.
225 West 34th Street
Suite 1110
New York, NY 10122

(212) 563-5800 0050047

YOU WILL BE BILLED SEPARATELY FOR ANY PREMIUM DUE.

Your policy has been changed

Effective Date: 05/04/2016

Description Of Change: Amend year 48 Alfa

Revised Annual Premium: \$46,346.00

Premium Charge For Endorsement \$0.00

From: 05/04/2016 **To:** 05/04/2017

The kind of losses that are covered and any special limits or deductibles that apply are explained in detail in your Policy.

Summary of Coverage

Class	Scheduled Items Amount of Coverage	Blanket Items Amount of Coverage	Blanket Items Single Article Limit	Premium
JEWELRY	\$85,581			\$1,112.00
COLLECTIBLES	\$16,040,000			\$44,912.00

New Jersey Property-Liability Insurance Guaranty Association Surcharge: \$322.00

Total Premium: \$46,346.00

ENDORSEMENTS ATTACHED TO THIS POLICY:

PCP (03/11), 78052 (04/14), PCG-OFAC (10/13), PCP-CAC (03/11), PCP-CVU (01/06), PCP-AENJ (08/07)

PCP-DEC2NJ (10/06)

Schedule of Items

Endorsement Effective Date : 05/04/16

Policy Number: PCG 0001418947

JEWELRY

Item Description	Amount Insured
1 18KT GOLD SPECIAL EDITION BREITLING NAVITIMER QP WATCH, SERIAL #K1A022 11/60.	\$40,751
2 ONE GENTLEMAN'S STAINLESS STEEL BREITLING OLYMPUS WATCH.	\$7,134
3 ONE GENTLEMAN'S 18KT YELLOW GOLD ROLEX SUBMARINER WATCH.	\$22,414
4 GENTLEMAN'S CHOPARD MILLE MIGLIA WATCH.	\$5,094
5 GENTLEMAN'S CHOPARD MILLE MIGLIA WATCH.	\$5,094
6 GENTLEMAN'S CHOPARD MILLE MIGLIA WATCH.	\$5,094
TOTAL JEWELRY AMOUNT COVERED	\$85,581

COLLECTIBLES

Item Description	Amount Insured
1 1948 EXOTIC CISCALIA 202 CONVERTIBLE VIN #0148MM	\$700,000
2 1972 FERRARI DINO 246 GRAND TOURING TARGA 2 DOOR COUPE VIN #4878	\$500,000
3 1939 ALFA-ROMEO 6C2500 SS VIN #915075	\$4,000,000
4 1948 ALFA-ROMEO C46, 168 VIN #920001	\$5,000,000
5 1951 STANGEULLINI 1100 BARCHETTA, VIN #350407	\$500,000
6 1955 MASERATI 300S #3070	\$5,000,000
7 1966 LANCIA FLAMINIA ZAGATO SS VIN #826232002085	\$300,000
8 2004 MERCEDES SL55 VIN #WDBSK74F54F083011	\$40,000
TOTAL COLLECTIBLES AMOUNT COVERED	\$16,040,000